

FILED

MAR 13 2025

U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

Janeth Delgado and Carlos Leyva,
Plaintiffs,

1:25-cv-484-JPH-TAB

v.

Indiana Department of Child Services (DCS),
[Caseworker's Name], Individually and in Official Capacity,
Defendants.

Case No.: #49D22-2502 JM-00184

**COMPLAINT FOR DAMAGES AND INJUNCTIVE
RELIEF**

I. INTRODUCTION

This is a civil rights action seeking damages and injunctive relief against the Indiana Department of Child Services (DCS) and its agents for violating the constitutional rights of Plaintiffs Janeth Delgado and Carlos Leyva. Defendants have engaged in unlawful harassment, intimidation, and abuse of power, resulting in severe emotional distress to the Plaintiffs.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. § 1983 (civil rights violations).

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, as

the events giving rise to the claims occurred in the State of Indiana, within the Southern District of Indiana.

III. PARTIES

3. Plaintiff Janeth Delgado is a resident of Indianapolis, Indiana, and the legal guardian of her children.

4. Plaintiff Carlos Leyva is a resident of Indianapolis, Indiana, and the legal guardian of his children.

5. Defendant Indiana Department of Child Services (DCS) is a government agency responsible for child welfare enforcement within the State of Indiana.

6. Defendant Laina Patton is a caseworker employed by DCS who has engaged in harassment and unlawful investigation tactics against Plaintiffs.

IV. FACTUAL BACKGROUND

7. Plaintiffs legally withdrew their children from public school and enrolled them in a homeschooling program in compliance with Indiana law.

8. Defendants ignored multiple legal documents, including a formal notice of homeschooling, a cease-and-desist letter, and a request for public records under the Freedom of Information Act (FOIA).

9. Defendants sought and obtained a court order without proper evidence, relying solely on a false affidavit from a caseworker with no firsthand knowledge of the Plaintiffs' circumstances.

10. Defendants continue to harass Plaintiffs, threatening home visits and interviews with their children in violation of their due process rights.

V. CAUSES OF ACTION

COUNT I: VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

11. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.

12. Defendants, acting under color of state law, violated Plaintiffs' rights under the Fourth and Fourteenth Amendments of the U.S. Constitution by conducting unlawful investigations and failing to provide due process.

COUNT II: HARASSMENT AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

13. Defendants engaged in a continuous pattern of harassment against Plaintiffs despite receiving legal notices regarding their compliance with state homeschooling laws.

14. Plaintiffs have suffered emotional distress, including fear, anxiety, and mental anguish, as a direct result of Defendants' conduct.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue a Temporary Restraining Order (TRO) preventing Defendants from further harassment, home visits, or forced interviews with Plaintiffs' children.
2. Award Plaintiffs compensatory damages of \$100,000 for

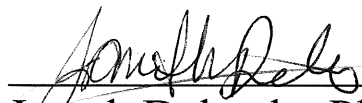
emotional distress and legal violations.

3. Award Plaintiffs punitive damages as determined by the Court.

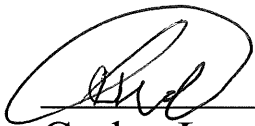
4. Grant Plaintiffs' Fee Waiver Request and award reasonable attorney's fees under 42 U.S.C. § 1988.

5. Provide such other relief as the Court deems just and proper.

Respectfully submitted,



Janeth Delgado, Plaintiff



Carlos Leyva, Plaintiff

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